

REMARKS

Applicant has cancelled claims 48 and 50 without prejudice. Applicant acknowledges the Examiner's allowance of claims 1-5, 7-25, 27-40, and 46.¹ Claims 1-5, 7-40, 42, 44, 46, 47, and 49, of which claims 1, 19, 26, 27, 30, 33, 42, 44, 47, and 49 are independent in form, are presented for examination.

The Examiner has rejected claims 26, 42, and 44 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,589,286 (Litner).

Claim 26 recites a method of making a medical device, the method including co-knitting a ceramic fiber with a non-ceramic fiber, wherein each dimension of the ceramic fiber is equal to or greater than one micron, and the device is in the form of a stent, a stent-graft, or a graft. But Litner does not disclose the method of claim 26.

Litner discloses a Eustachian tube stent including a flanged tubular body. (See, e.g., Litner, Abstract.) Litner notes that,

The composition of the stent may comprise polymeric materials (both natural and synthetic), ceramic materials, composite materials, metals, metal oxides, and combinations of such materials. Biodegradable materials are preferred. One preferred structure comprises a network of biodegradable polymeric fibers having a caliber or average diameter of about 0.3 to 0.4 mm. The network may comprise a non-woven network, woven network, knitted network or the like. (Id., col. 5, lines 15-26.)

While Litner discloses biodegradable polymeric fibers, Litner fails to disclose ceramic fibers, let alone ceramic fibers in which each dimension is equal to or greater than one micron.

Furthermore, Litner fails to disclose co-knitting a ceramic fiber with a non-ceramic fiber. Thus, Litner does not disclose the method of claim 26, and Applicant accordingly requests that the rejection of claim 26 be reconsidered and withdrawn.

¹ Although the Examiner has not included claim 46 in the "Allowable Subject Matter" section on page 3 of the Office Action, it is Applicant's understanding that the Examiner has allowed claim 46 because the Examiner has listed claim 46 as allowed in the Office Action Summary. Furthermore, the Examiner has not rejected claim 46 in the Office Action.

Claims 42 and 44 recite a graft or a medical balloon including a ceramic fiber, wherein each dimension of the fiber is equal to or greater than one micron. But as discussed above, Litner fails to disclose ceramic fibers, let alone ceramic fibers in which each dimension is equal to or greater than one micron. Furthermore, Litner fails to disclose a graft or a medical balloon. Thus, Litner does not disclose the graft or medical balloon of claims 42 and 44, and Applicant accordingly requests that the rejection of claims 42 and 44 be reconsidered and withdrawn.

The Examiner has rejected claims 47 and 49 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,733,533 (Lozier).

Claims 47 and 49 recite a medical device including a structure including a ceramic fiber and a non-ceramic fiber, wherein the ceramic fiber is intertwined with the non-ceramic fiber. The device is in the form of a medical balloon (claim 47) or a catheter (claim 48). But Lozier does not disclose the medical balloon or catheter of claims 47 and 49.

Lozier discloses a prosthetic spinal disc that can be used to replace a damaged human spinal disc. (See, e.g., Lozier, Abstract.) The prosthetic disc includes an annulus surrounding a prosthetic spinal disc nucleus, which includes an expandable shell. (See id., col. 2, lines 49-61.) Lozier notes that the nucleus is formed of a biocompatible fabric material, and that it “preferably comprises a woven polymer material”. (Id., col. 4, line 64 — col. 5, line 1.) While Lozier explains that the nucleus “may further comprise ceramic fibers for reinforcement” (id., col. 5, lines 4-5), Lozier fails to disclose a medical device including a ceramic fiber that is intertwined with a non-ceramic fiber. Furthermore, Lozier fails to disclose a catheter.² Thus, Lozier does not disclose the medical devices of claims 47 and 49, and Applicant accordingly requests that the rejection of claims 47 and 49 be reconsidered and withdrawn.

The Examiner has rejected claims 48 and 50 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,807,440 (Weber). However, this rejection is now moot, as Applicant has cancelled claims 48 and 50.

For at least the reasons discussed above, Applicant believes that the claims are in condition for allowance, which action is requested.

² Applicant also does not concede that Lozier discloses a medical balloon.

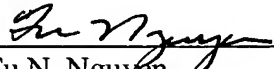
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Respectfully submitted,

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